



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

m2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Food and Drug Administration
555 Winderley Pl., Ste. 200
Maitland, FL 32751

Ref: Customs Entry No. 900-0026319-5
Fresh Coriander

WARNING LETTER

FLA-99-67

June 1, 1999

Mr. Carlos Capote
Vice President
J & C Enterprises, Inc.
13980 S.W. 252nd Street
Homestead, Florida 33032

Dear Mr. Capote:

The Food and Drug Administration (FDA) attempted to examine a shipment of fresh coriander offered for entry into the United States by your firm on May 18, 1999, under the above referenced entry number, and found that the shipment was not held intact for FDA examination. A FDA inspector visited your firm on May 20, 1999, and verified that 190 cartons out of the original 198 cartons had been distributed without a FDA release. Regulations, Title 21, Code of Federal Regulations (CFR), Part 1.90, requires the importer to hold an entry intact pending receipt of a "May Proceed Notice" or "Release Notice" from FDA. Since the product was not held intact, we have requested the U. S. Customs Service (Customs) to order redelivery of the fresh coriander which has been distributed without a release from FDA (copy enclosed).

Failure to promptly correct this violation and prevent future violations may result in regulatory action without further notice such as seizure, injunction, or automatic detention of future shipments. It is your responsibility, as the importer, to ensure that imported products meet all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder.

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We request a response in writing within fifteen (15) working days of receipt of this letter of the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent the recurrence of the violation. In addition, you should inform Customs and FDA if and when redelivery is accomplished.

Your written reply should be addressed to the Food and Drug Administration, Attention: Paul R. Bagdikian, Compliance Officer, P. O. Box 59-2256, Miami, Florida 33159-2256.

Sincerely,


Douglas D. Tolen
Director, Florida District

cc: Director of Customs
U. S. Customs Service
P. O. Box 52-2207
Miami, Florida 33152-2207

Rams Cargo Brokers
3900 N.W. 79th Avenue
#534
Miami, Florida 33166